

April 10, 2019

Henry Leskinen
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

Re: Bissell Property
Forest Buffer Variance
Tracking # 05-19-2924

Dear Mr. Leskinen:

Baltimore County Department of Environmental Protection and Sustainability (EPS) received the above referenced request for a variance to the Baltimore County Code, Article 3 Environmental Protection and Sustainability, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) on February 8, 2019. If granted, the variance would allow the continued use of 3,024 square feet of forest buffer for an existing residential driveway and yard. The property owner proposes to plant 1,040 square feet of an emergent non-tidal wetland with Maryland native trees and shrubs to mitigate for the water quality impacts associated with the proposed variance.

The proposed subdivision associated with this variance will include seven lots, including a lot for the existing house and garage. The existing house was constructed in 1928, prior to the implementation of the Forest Buffer Law. There is a non-tidal emergent wetland to the immediate west of the existing house along the property line. The proposed forest buffer associated with this wetland will encompass part of the driveway and part of the existing lawn associated with the original house. Therefore, full application of the Forest Buffer Law would require the property owner to relocate part of their existing driveway and to stop maintaining the lawn area adjacent to the driveway. Consequently, this Department finds that a practical difficulty exists in fully meeting the Forest Buffer Law.

The property owner proposes minimizing their impact on water quality by ceasing mowing activity in the emergent wetland adjacent to the driveway and planting this wetland with a mix of winterberry holly and sweetbay magnolia. The woody vegetation will enhance the water quality function of the wetland as well as delineate the boundary of the wetland to prevent future encroachment. With the exception of the wetland next to the driveway, all other wetlands and their associated buffers on the property will be protected with conservation easements. The forest buffer easement boundaries will be posted with forest buffer easement signs to prevent future buffer disturbance. Silt fencing will be installed along the proposed limit of disturbance to prevent excess sediment from entering the non-tidal wetlands on the property.

Based upon our review and in accordance with Article 33-3-106 and Article 33-3-112(c) of the Baltimore County Code, the variance request is hereby granted with the following conditions:

1. The property owner shall mitigate for the 3,024 square feet of permanent impact to the forest buffer by planting 1,040 square of an emergent wetland with woody plants including winterberry holly and sweetbay magnolia.

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2. A Forest Buffer Protection Plan (FBPP) detailing the mitigation must be submitted to Environmental Impact Review for review and approval by June 28, 2019.
3. The following note must appear on all plans and plats submitted for this project:

“A variance from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains was granted by the Baltimore County EPS on April 10, 2019. This variance allowed the permanent impact of 3,024 square feet of forest buffer for the construction of a seven lot residential subdivision. Conditions were placed on this approval to reduce water quality impacts including the planting of 1,040 square feet of woody vegetation within an emergent non-tidal wetland and the posting of forest buffer easement signs along the forest buffer boundaries.”

4. This variance is limited in scope to the items listed in this variance approval. All other Forest Buffer Easement management requirements and restrictive covenants shall apply to this subject lot.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign the statement below and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may delay the processing of this project.

If you have any questions regarding this correspondence, please call Mr. Gris Batchelder at (410) 887-3980.

Sincerely,

David V. Lykens
Deputy Director

DVL/cgb

cc: Mr. Vearle Cochran, Little and Associates, Inc.

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains.

Property Owners

Date

Printed Names